

# WORKING DRAFT

## ***Proposed Substitute Bill No. 1071***

*January Session, 2023*

LCO No. 6411

### ***AN ACT CONCERNING DECEPTIVE OR COERCIVE INTERROGATION TACTICS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this section,  
2       "deception or coercive tactics" includes, but is not limited to, any tactic  
3       that:

4       (1) Unreasonably deprives the person being interrogated of physical  
5       or mental health needs that were known, or should have been known to  
6       exist, including, but not limited to, food, sleep, use of the restroom or  
7       prescribed medications;

8       (2) Uses or threatens the use of physical force upon the person being  
9       interrogated or another person for purposes of compelling an  
10      admission, confession or statement;

11      (3) Uses or threatens the unlawful arrest of another person;

12      (4) Uses or threatens the imposition of unlawful penalties upon the  
13      person being interrogated or another person; or

14      (5) Uses or threatens the imposition of unlawful administrative or  
15      immigration sanctions upon the person being interrogated or another  
16      person.

17      (b) If the person being interrogated is under eighteen years of age,

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18 "deception or coercive tactics" further includes any tactic that:

19 (1) Communicates false facts about evidence that were known to the  
20 law enforcement agency official or their agent or should have been  
21 known to the law enforcement agency official or their agent to be false;

22 (2) Communicates false statements or misrepresentations of the law  
23 that were known or should have been known to be false statements or  
24 misrepresentations; or

25 (3) Communicates false or misleading promises of leniency or some  
26 other benefit or reward that were known or should have been known to  
27 be false or misleading.

28 (c) Except as provided in subsection (d) of this section, any admission,  
29 confession or statement, whether written or oral, made by any person  
30 during a custodial interrogation by a law enforcement agency official or  
31 their agent, shall be presumed to be involuntary and inadmissible in any  
32 proceeding if the law enforcement agency official or their agent engaged  
33 in deception or coercive tactics during such interrogation.

34 (d) The presumption that any such admission, confession or  
35 statement is involuntary and inadmissible may be overcome if the state  
36 proves by clear and convincing evidence that the admission, confession  
37 or statement was (1) voluntary and not induced by the use of deception  
38 or coercive tactics, and (2) any alleged use of deception or coercive  
39 tactics did not undermine the reliability of the person's admission,  
40 confession or statement and did not create a substantial risk that the  
41 person might falsely incriminate themselves.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section